

**CITY OF FAIRHOPE
CITY COUNCIL AGENDA**

THURSDAY, 30 JUNE 2011 - 6:00 P.M. - CITY COUNCIL CHAMBER

Invocation and Pledge of Allegiance

1. Approve Minutes of 13 June 2011, Regular City Council Meeting and minutes of the 13 June 2011 Public Participation/Work Session.
 2. Old Business
 3. Report of the Mayor
 4. Council Comments
 5. Public Participation
 6. Application for Lounge Liquor License by Jeffrey C. Dubois, DD2, L.L.C. d/b/a Double Deuce 2, located at 9115 A & B Highway 98, Fairhope, Alabama. (Introduced at the June 13, 2011 City County Meeting and Public Hearing was Held).
 7. Appointment – Tree Committee – Kent Schwartz, Harriet Gutknecht & Joanne Hogan
 8. Resolution – Authorizing Mayor Timothy M. Kant to accept the grant from the Alabama Department of Transportation for the Safe Routes to School Program.
 9. Resolution – Approval and commitment of the necessary funds in the 2012 budget for the Volanta Watershed Gulley Project.
 10. Resolution – Authorizing the City of Fairhope to submit the Energy Efficiency and Conservation Block Grant – Solicitation III to ADECA.
 11. Resolution – To purchase three (3) 25 KVA Pole-Mounted Transformers and six (6) 50 KVA Pole-Mounted Transformers for the Electric Department.
 12. Resolution – Authorizing the Fairhope Police Department to execute the proper paperwork to transfer equipment to Choctaw County Sheriff’s Office.
 13. Resolution – Authorizing Mayor Timothy M. Kant to execute a Memorandum of Understanding between the State of Alabama by and through the Alabama Department of Transportation regarding removal and disposal of debris.
 14. Ordinance – Final Adoption - Salaries of Mayor, Council President and Councilmembers. (Introduced at the June 13, 2011 City Council Meeting)
- ADD ON** Resolution – To purchase two (2) SEECO Switches for the Electric Department.
15. Adjourn

Next Regular Meeting Monday, July 11, 2011 Same Time and Place

STATE OF ALABAMA)
 :
 COUNTY OF BALDWIN)(

The City Council, City of Fairhope, met in regular session at 6:00 p.m., Fairhope Municipal Complex Council Chamber, 161 North Section Street, Fairhope, Alabama 36532, on Thursday, 30 June 2011.

Present were Council President Lonnie L. Mixon, Councilmembers: Debbie W. Quinn, Daniel Stankoski, Michael A. Ford, and Rick Kingrea, Mayor Timothy M. Kant, City Attorney Marion E. Wynne, and City Clerk Lisa A. Hanks.

There being a quorum present, Council President Mixon called the meeting to order. The invocation was given by Councilmember Stankoski and the Pledge of Allegiance was recited.

Councilmember Quinn moved to address the following item **not** on the printed agenda: Resolution to purchase two (2) SEECO Switches for the Electric Department. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

Council President Mixon asked if there were any corrections to the minutes from the 13 June 2011, regular meeting. He then stated if there are no corrections, the minutes stand approved as written.

Council President Mixon asked if there were any corrections to the minutes from the 13 June 2011, public participation/work session. He then stated if there are no corrections, the minutes stand approved as written.

Councilmember Quinn addressed the City Council with the following items:

- 1) Volanta and the E. coli issue.
- 2) Picture of Mobile Bay in the National League of Cities' calendar.
- 3) The Electric Department in on the cover of Currents magazine.
- 4) Update on the Alabama League of Municipalities and named Chairman of the Legislative Committee

Councilmember Ford addressed the City Council with the following items:

- 1) Commended Sherry Sullivan for photo contest and a good job.
- 2) Complaints about the Noise Ordinance are still coming on the "Bass" sounds.
- 3) Sales Tax needs to be revisited on anniversary date; Ordinance No. 1384. Reaffirm for or against the Sales Tax.

30 June 2011

Councilmember Kingrea addressed the City Council with the following item:

1) Nichols Street update was given; hope to present a resolution at the next meeting for a vote.

Public Participation:

1) Charmaine Parker, 306 South School Street, addressed the City Council on the Ordinance regarding the Salaries of Mayor, Council President, and Councilmembers. Ms. Parker mentioned she was new here when the last election took place in 2008. She was concerned why the decrease in the Mayor's salary when the Mayor has a full-time job. Ms. Parker questioned why all of the other employees' salaries were not being cut in half. She said this is wrong and discriminatory.

Council President Mixon stated that the Code of Alabama Section 11-43-80 states that the mayor shall receive such salary as the council may prescribe, which must be fixed by the council not less than six months prior to each general municipal election.

2) Robert Stankoski, attorney for the Jeffrey Dubois d/b/a Double Deuce 2, addressed the City Council regarding the Lounge Liquor License application. Mr. Stankoski stated that he and his client did not want to go into an Executive Session; and saw no reason why this application should be denied.

Council President Mixon asked Mr. Dubois about the application and the attachments. Mr. Dubois presented the attachments regarding arrests. The ABC background check was also presented to the City Council. Council President Mixon asked if he was involved in any of the calls. Mr. Dubois replied "no sir." Councilmember Kingrea read the previous arrests and mentioned these were either dismissed or he was not convicted. The noise ordinance violation was questioned and Mr. Dubois stated he put up a dummy wall and carpet to correct.

After further discussion, Councilmember Quinn moved to approve the issuance of the Liquor Lounge License by Jeffrey C. Dubois, DD2, L.L.C. d/b/a Double Deuce 2, located at 9115 A & B Highway 98, Fairhope, Alabama. Seconded by Councilmember Kingrea, motion passed by the following voice vote: AYE – Quinn, Mixon, Ford, and Kingrea. NAY – None. ABSTAIN – Stankoski.

Councilmember Kingrea moved to appoint Kent Schwartz, Harriet Gutknecht, and Joanne Hogan to the Fairhope Tree Committee for a six year term. The term will expire in June 2015. Seconded by Councilmember Quinn, motion passed unanimously by voice vote.

30 June 2011

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to accept the grant from the Alabama Department of Transportation for the Safe Routes to School Program. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

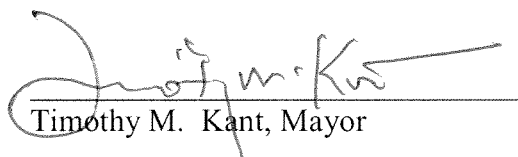
RESOLUTION NO. 1799-11

WHEREAS, the City of Fairhope presented an application to the Alabama Department of Transportation for grant assistance to develop a Safe Route to School Program; and

WHEREAS, the Alabama Department of Transportation awarded the City of Fairhope the grant from the in the amount of \$145,851.00. This grant is for the installation of sidewalks, crosswalks, ADA accessibility ramps, pavement markings, signage and alternate drop-off sites in the City of Fairhope to encourage bicycling and walking at schools.


BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that Mayor Timothy M. Kant is hereby authorized to accept the grant from the Alabama Department of Transportation in the amount of \$145,851.00, for the Safe Routes to School Program.

DULY ADOPTED THIS 30TH DAY OF JUNE, 2011



Timothy M. Kant, Mayor

ATTEST:



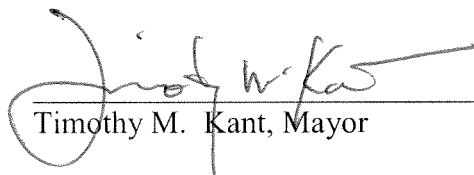
Lisa A. Hanks, MMC
City Clerk

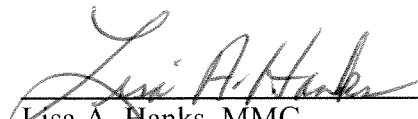
Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution approving and committing the necessary funds in the 2012 budget for the Volanta Watershed Gulley Project. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

30 June 2011

RESOLUTION NO. 1800-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope supports the grant application to Mobile Bay National Estuary Program with a total cost of \$100,000 with the City of Fairhope contributing \$30,000 cash and \$20,000 in-kind services for a total of \$50,000. The City Council approves and commits the necessary funds in the 2012 fiscal year budget for the Volanta Watershed Gulley Project. If the grant is funded, it will pay \$50,000, which is 50%, toward the total project cost.

DULY ADOPTED THIS 30TH DAY OF JUNE, 2011

Timothy M. Kant, Mayor**ATTEST:**

Lisa A. Hanks, MMC
City Clerk

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the City of Fairhope to submit the Energy Efficiency and Conservation Block Grant – Solicitation III to the Alabama Department of Economic and Community Affairs (“ADECA”). Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

*

*

30 June 2011

RESOLUTION NO. 1801-11

WHEREAS, the City of Fairhope proposed to replace eighty (80) street lights with energy-efficient light emitting diodes (LED) lighting technology; and

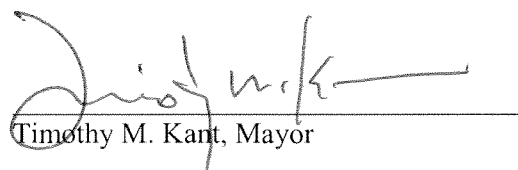
WHEREAS, the City of Fairhope presented an application to the Alabama Department of Economic and Community Affairs ("ADECA") for grant assistance to replace our street lights which will result in a reduction of carbon emissions and electricity usage which would represent a cost savings of approximately 67% or over \$4,000 annually; and

WHEREAS, this Energy Efficiency and Conservation Block Grant will allow for another energy savings project which the City of Fairhope considers energy savings and the reduction of carbon emissions a vital step toward a sustainable future; and

WHEREAS, the City of Fairhope supports this grant application to ADECA for the LED street lights with a total cost of \$71,500 with the City of Fairhope contributing \$9,500 dollars worth of in-kind labor and equipment to the project; and if funded, the grant will pay 100% of the project; and

NOW THEREFORE, BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City of Fairhope authorizes submission of the Energy Efficiency and Conservation Block Grant Application – Solicitation III to ADECA requesting funds of approximately \$62,000 for our material outlay in grant funds to replace the eighty (80) street lights with LED lighting technology.

DULY ADOPTED THIS 30TH DAY OF JUNE, 2011



Timothy M. Kant, Mayor

Attest:



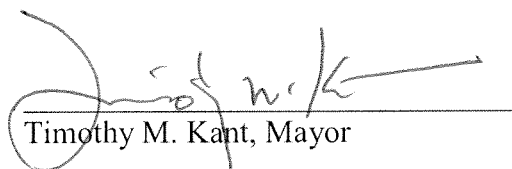
Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase three (3) 25 KVA Pole-Mounted Transformers and six (6) 50 KVA Pole-Mounted Transformer for the Electric Department. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.


30 June 2011

RESOLUTION NO. 1802-11**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, as follows:

[1] That the City of Fairhope has voted to purchase three (3) 25 KVA Pole-Mounted Transformers and six (6) 50 KVA Pole-Mounted Transformers for the Electric Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes and purchase the Pole-Mounted Transformers. The cost will be approximately \$11,289.00.

Adopted on this 30th day of June, 2011
Timothy M. Kant, Mayor

Attest:


Lisa A. Hanks, MMC
City Clerk

Councilmember Stankoski introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing the Fairhope Police Department to execute the proper paperwork to transfer equipment to Choctaw County Sheriff's Office. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

*

*

30 June 2011


RESOLUTION NO. 1803-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, that the City of Fairhope Police Department is hereby authorized to execute the proper paperwork to transfer the following equipment to the Choctaw County Sheriff's Office:

1989 Make: Sea Ark Mod: Crew 21 ft Hull#FAMA0036E989 with
two Mercury 115 Four Stroke Boat Motors and Trailer


This item was received through the 1033 Program which restricts transferring received equipment to another agency for a one-year period. The City of Fairhope Police Department has kept this equipment longer than the required restriction period.

Adopted and approved this 30th day of June 2011



Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea introduced in writing, and moved for the adoption of the following resolution, a resolution authorizing Mayor Timothy M. Kant to execute a Memorandum of Understanding between the State of Alabama by and through the Alabama Department of Transportation regarding removal of disposal of debris. Seconded by Councilmember Ford, motion passed unanimously by voice vote.

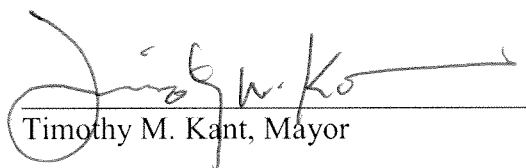
*

*

30 June 2011

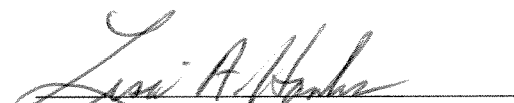
RESOLUTION NO. 1804-11

BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA, that the City Council hereby approves and authorizes Mayor Timothy M. Kant to execute a Memorandum of Understanding between the State of Alabama, acting by and through the Alabama Department of Transportation, and the City of Fairhope regarding Removal and Disposal of Debris.

Adopted on this 30th day of June, 2011

Timothy M. Kant, Mayor

Attest:



Lisa A. Hanks, MMC
City Clerk

Councilmember Kingrea moved for final adoption of Ordinance No. 1449, an ordinance amending the City of Fairhope Code of Ordinance (Section 2-21) Monthly Salary for the Mayor and Councilmembers. The motion was seconded by Councilmember Stankoski who began the discussion for this ordinance.

Councilmember Stankoski stated that this was not about the Mayor's salary. He referenced Rick Kingrea's letter to the editor which had to do with the salary and the Council. The interaction of the Council and the Mayor in our City is America's government in action at its finest. We propose, we debate, we discuss, we deliberate, and we compromise. The Mayor is not a victim nor is the Council a villain. This is democracy in action and that's how we do things. It's the results that count and what's best for the City and the citizens." He mentioned what has happened in the last two-and-a-half years.

30 June 2011

Councilmember Quinn mentioned that the City Administrator used to be the General Superintendent who was put in that position by the Mayor. She also stated we were pretty much in line with other Cities in the knowledge that we have great supervisors that do well and work full-time. The Mayor is not full-time and he is not part-time. She commented that this ordinance was for the next Council and the next Mayor, whoever that may be.

Councilmember Ford stated we have a unique City and wants it to stay that way. We raised the Mayor's salary to \$60,000. The City Administrator is now at the whim of the Mayor and not of the Council. He said it took years to build up the City and now we are dummifying it down. We took the power away and now we will have to redo a lot of ordinances. The Mayor has saved the City hundreds of thousands of dollars in the past. We were better off before we did all of this; four years ago. Councilmember Ford said he did not see anything good to replace it.

Council President Mixon stated there were no reserves and we were in the black. Councilmember Stankoski commented the results speak for itself.

Councilmember Kingrea addressed Councilmember Ford and asked do you remember the meeting where the auditors came in and said the black line and red line were crossing; and now they are not. Utilities were giving around 80 percent to help run the City and now we are down to around 60 percent transfers. Now the Utilities have funds to help purchase necessary equipment. And most important, the two cent Sales Tax saved our hide.

Councilmember Stankoski reiterated we propose, debate, discuss, deliberate, and compromise. This is democracy in action. There is no victim nor a villain.

After further discussion, motion for final adoption passed by the following votes: AYE – Quinn, Stankoski, Mixon, and Kingrea. NAY – Ford.

Councilmember Quinn introduced in writing, and moved for the adoption of the following resolution, a resolution to purchase two (2) SEECO Switches for the Electric Department. Seconded by Councilmember Stankoski, motion passed unanimously by voice vote.

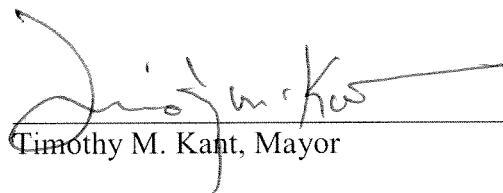
*

*

30 June 2011


RESOLUTION NO. 1805-11**BE IT RESOLVED BY THE GOVERNING BODY OF THE CITY OF FAIRHOPE, ALABAMA**, as follows:

[1] That the City of Fairhope has voted to purchase two (2) SEECO Switches for the Electric Department and authorizes procurement based on the option allowed by the Code of Alabama 1975, Section 41-16-51(b)(7) to obtain informal quotes and purchase the SEECO Switches. The cost will be approximately \$15,050.00.

Adopted on this 30th day of June, 2011

Timothy M. Kant, Mayor


Attest:



Lisa A. Hanks, MMC
City Clerk

There being no further business to come before the City Council, the meeting was duly adjourned at 6:42 p.m.



Lonnie L. Mixon, Council President

Lisa A. Hanks, MMC
City Clerk